SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: HIGH IMPEDANCE ELECTRODE TIP.

The specification of which was filed on July 22, 1998 as application serial no. 09/121,288.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 4 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, §119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

N such applications have been filed.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Arora, Suneel	Reg. No. P-42,267	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Bernkopf, Paul A.	Reg. No. 41,615	Hale, Jeffrey D.	Reg. No. 40,012	Mates, Robert E.	Reg. No. 35,271
Bianchi, Timothy E.	Reg. No. 39,610	Harris, Robert J.	Reg. No. 37,346	McCrackin, Ann M.	Reg. No. 42,858
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Padys, Danny J.	Reg. No. 35,635
Black, David W.	Reg. No. 42,331	Huebsch, Joseph C.	Reg. No. 42,673	Polglaze, Daniel J.	Reg. No. 39,801
Brennan, Thomas F.	Reg. No. 35,075	Kalis, Janal M.	Reg. No. 37,650	Schwegman, Micheal L.	Reg. No. 25,816
Brooks, Edward J., III	Reg. No. 40,925	Klima-Silberg, Catherine I.	Reg. No. 40,052	Sieffert, Kent J.	Reg. No. 41,312
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Slifer, Russell D.	Reg. No. 39,838
Drake, Eduardo E.	Reg. No. 40,594	Lacy, Rodney L.	Reg. No. 41,136	Terry, Kathleen R.	Reg. No. 31,884
Dryja, Michael A.	Reg. No. 39,662	Leffert, Thomas W.	Reg. No. 40,697	Viksnins, Ann S.	Reg. No. 37,748
Embretson, Janet E.	Reg. No. 39,665	Lemaire, Charles A.	Reg. No. 36,198	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Aaron W. Janke**
Citizenship: **United States of America** Residence: **St. Paul, MN**
Post Office Address: 1328 Coach Road
#329
St. Paul, MN 55108

Signature: _____ Date: 10/26/98
Aaron W. Janke

Full Name of joint inventor number 2 : **Mary Lee Cole**
Citizenship: **United States of America** Residence: **St. Paul, MN**
Post Office Address: 1668 Hartford Avenue
St. Paul, MN 55116

Signature: _____ Date: 10/26/98
Mary Lee Cole

Full Name of joint inventor number 3 : **Ronald W. Heil, Jr.**
Citizenship: **United States of America** Residence: **Roseville, MN**
Post Office Address: 2312 Western Avenue N
Roseville, MN 55113

Signature: _____ Date: 10/26/98
Ronald W. Heil, Jr.

Full Name of joint inventor number 4 : **Jeffrey T. Bartig**
Citizenship: **United States of America** Residence: **Maplewood, MN**
Post Office Address: 102 Allen Place
Maplewood, MN 55117

Signature: _____ Date: 10/26/98
Jeffrey T. Bartig

X Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on informati n and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 5 : **Gary W Goebel**
Citizenship: **United States of America** Residence: **Vadnais Heights, MN**
Post Office Address: 4169 Kaitlin Drive
Vadnais Heights, MN 55127

Signature: _____ Date: 10/26/98
Gary W Goebel

Full Name of joint inventor number 6 : **Douglas A Heitkamp**
Citizenship: **United States of America** Residence: **White Bear Lake, MN**
Post Office Address: 1975 Orchard Lane
White Bear Lake, MN 55110

Signature: _____ Date: 10/26/98
Douglas A Heitkamp

Full Name of joint inventor number 7 : **Randall M. Peterfeso**
Citizenship: **United States of America** Residence: **St. Paul, MN**
Post Office Address: 593 East Arlington Avenue
St. Paul, MN 55101

Signature: _____ Date: 10/26/98
Randall M. Peterfeso

Full Name of inventor:
Citizenship: Residence:
Post Office Address:

Signature: _____ Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application:

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.